

REMARKS

Claims 1-14 are currently pending in the application. By this amendment, claims 1 and 6 have been amended to more particularly define the inventions and clearly overcome rejections in the Office Action. New dependent claims 13 and 14 also have been added for the Examiner's consideration. No new matter has been added. Reconsideration and withdrawal of all pending claim rejections in view of the above amendments and following remarks is respectfully requested.

35 U.S.C. § 102 Rejection

Claims 1-2, 4-7, and 8-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U. S. Patent No. 5,311,711 issued to Desir, Sr. ("Desir"). This rejection is respectfully traversed.

Independent and claims 1 and 6 have been amended to clearly overcome this rejection by specifying that the claimed "contact member has an elasticity and strength so that the [window/windshield] contact member breaks at a lower stress than a window bonded thereto." Support for this amendment may be found in the specification at page 5, lines 1-3, for example. Desir fails to disclose the claimed combination of features now recited in claims 1 and 6, including the elasticity and strength limitations of the contact member, as now claimed.

Desir is directed to a J-type window lace assembly where a glass reveal molding has a generally "J" shaped clamping portion configured to exert substantially even gripping pressure on both the top and bottom surfaces of a glass panel. The molding of Desir is designed to substantially eliminate roll-over or disengagement from the glass prior to complete assembly.

More specifically, as discussed, *e.g.*, in col. 2, lines 48-62, Desir shows in Figure 2 a molding 10 having a clamping portion 18 attached to a crown 20. The molding 10 also includes a head 26 having a front half 28. The clamping portion 18 has a channel 32 formed by the front

half 28 which forms one wall of the channel 32, and a leg 22 which forms a second wall of the channel 32. The leg 22 includes a first portion 34 and a second portion 36 adjacent window glass 18, which is designed to be functionally held in channel 32. (See, e.g., col. 1, line 62, col. 2, line 1.) The first portion 34 of the leg 22 is manufactured from a material having a 90A-durometer elasticity rating, and the second portion 36 of the leg 22 is manufactured from a material having a 70A-durometer elasticity rating (col. 4, lines 47-52). Accordingly, the first portion 34 of the leg 22 is made from a stiffer material than the second portion 36 of the leg 22.

In operation, an edge of a window glass 14 is inserted into the channel 32 of the molding 10. The molding 10 "hugs" the glass 14 by means of a clamping force between the front half 28 and the leg 22. With the glass 14 inserted into the channel 32 of the molding 10, the more flexible second portion 36 of the leg 22 is held between the glass 14 and the stiffer first portion 34 of the leg 22. Accordingly, the molding 10 of the Desir clamps onto a piece of glass and a portion of the molding is more elastic than the main body of the molding. The molding 10 with the glass 14 inserted therein is then held in place on a vehicle body 16 with an adhesive between the leg 22 and the vehicle body 16. While Fig. 2 shows some adhesive contacting the glass 14, the molding invention of Desir is configured to provide "an excellent grip to a glass surface without the need for utilizing an adhesive" (Col. 2, lines 4-6.)

In order for a rejection under 35 U.S.C. § 102(b) to be proper, a single reference must disclose every claimed feature. Thus, the failure of an applied reference to disclose one or more claimed features renders the 35 U.S.C. § 102(b) rejection improper. In this case, Desir is directed to a molding functionally retaining a glass panel "*without the need for an adhesive,*" while the claimed inventions are directed to a molding configured and structured to overcome problems when the molding and glass pane are adhesively connected. Accordingly, it is not surprising that Desire makes no reference to the claimed relationship between the elasticity and strength of the contact member and the window/windshield, which requires the "contact member

to break at a lower stress than a [window/windshield] bonded thereto." Desir does not address the strength of the molding, nor any kind of relationship between elasticity and strength of the molding, and the level of stress at which the molding would break in relation to a window or windshield.

For the reasons stated above, Desir fails to disclose at least a molding for a window or windshield where the contact member has an elasticity and strength so that the contact member breaks at a lower stress than a window or windshield bonded thereto, as set forth in claims 1 and 6.

Since none of the other prior art of record, whether taken alone or in combination, discloses or suggests the inventions recited in claims 1 and 6, it is respectfully submitted that these claims are in allowable condition. Claims 2-5 and 7-12 are allowable at least for the reasons discussed above with respect to independent claims 1 and 6, from which they respectively depend, as well as for their added features. Applicants respectfully request that the rejection of claims 1-12 be withdrawn.

35 U.S.C. § 103 Rejection

Claims 3 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Desir in view of U. S. Patent No. 6,382,696 issued to Young ("Young"), where the Examiner relies upon this for its teaching of a reinforcement. This rejection is respectfully traversed as being moot in light of the arguments above.

Furthermore, Young actually reaches away from the claimed inventions. Young is directed to a window trim molding capable of being bent around the corners of a window to fit tightly and to minimize the corner radius required for the window. The window trim molding has a layer of harder semi-rigid elastomer embedded in the primary material of the molding. More specifically, Young shows in Figure 3 a molding 15 having a principal body 20. The principal

body 20 has a layer 23 of harder material embedded therein. The layer 23 of harder material has a principal section 24, and a first leg 25 and a second leg 26 forming a channel therebetween. The layer 23 of harder material is positioned on an edge of a pane of glass 12 and includes a metal reinforcement 30 molded therein.

In operation, the molding 15 grips the pane of glass 12 between the first leg 25 and second leg 26 of the layer 23 of harder material. Additionally, an adhesive 9 is used to bond the window pane 12 to the molding 15 in contact with the layer 23 of harder material. Accordingly, Young reaches away from the claim inventions and certainly fails to cure the deficiencies of the primary references to Desir noted above.

In particular, Young makes no mention of the relative elasticity and strength of the contact member as compared to the window inserted into the molding. Furthermore, Young makes no mention of the level of stress at which the molding would break in relation to the window. Accordingly, Young neither discloses nor suggests a molding where the contact member has an elasticity and strength so that the window contact member will break at a lower stress than a window or windshield bonded thereto, as set forth in claims 1 and 6. Consequently, claims 3 and 8 are patentable over these references at least for the reasons discussed above. Accordingly, Applicants respectfully request that the rejection of claims 3 and 8 be withdrawn.

Added Claims

Added claims 13 and 14 are directed to a molding in combination with a window or windshield adhesively fixed within the channel of the molding. Support for new claims 13 and 14 is found at least in Figure 2. These claims are allowable at least for the reasons discussed above with respect to claims 1 and 6, from which they respectively depend as well as for their added features. Support for new claims 13 and 14 is found at least in Figure 2.

Other Matters

Applicants appreciate the Examiner's withdrawal of the restriction requirement and consideration of all claims in this Office Action.

CONCLUSIONS

Applicants submit that a full and complete response has been made to the pending Office Action and submit that all of the objections and rejections have been overcome, and that the claims are patentably distinct from the prior art of record and in condition for allowance. The Examiner is respectfully requested to pass the above application to issue, and to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to **Attorney Deposit Account No. 23-1951**.

Respectfully Submitted,



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